IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 31961 of 2003(E)

PETITIONER:

RAJ.P.
BINDU NIVAS,THOTTAKKATTUKARA, ALUVA-8.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:
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1. **THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM.**
2. **KERALA STATE POLLUTION CONTROL BOARD, ERNAKULAM.**
3. **ALUVA MUNCIPALITY, REP. BY ITS SECRETARY, ALUVA.**
4. **KRISHNAKUTTY PILLAI, ANAND BHAVAN, THOTTAKKATTUKARA, ALUVA-8.**

BY ADV. SRI.K.SHRIHARI RAO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.31961/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RECEIPT FOR RENEWING THE LKCENSE DT.26.3.03 FOR THE YEAR 2003-04.

EXT.P1(a):- COPY OF THE LICENSE FEE RECEIPTS FOR THE YEAR 1999.

EXT.P1(b):- COPY OF THE LICENSE FEE RECEIPTS FOR THE YEAR 2000.

EXT.P1(c):- COPY OF THE LICENSE FEE RECEIPTS FOR THE YEAR 2001.

EXT.P2:- COPY OF THE LETTER DT.3.4.03

EXT.P3:- COPY OF THE NOTICE DT.16.12.02 TOGETHER WITH COPY OF THE COMPLAINT BY THE 4TH RESPONDENT.

EXT.P4:- COPY OF THE REPORT DT.3.1.03.

EXT.P5:- COPY OF THE ORDER OF THE 1ST RESPONDENT DT.2.7.03.

RESPONDENTS EXHIBITS

EXT.R4(a):- COPY OF THE LETTER DT. 6.10.03 OF THE 2ND RESPONDENT TO THE PETITIONER

ANNEXURE R2(a):- COPY OF THE LETTER NO.PCB/CHN/COMP 10/AEE 2/2002 DT.26.7.02 ISSUED BY THE BOARD.

ANNEXURE R2(b):- COPY OF THE LETTER NO.PCB/CHN/COMP 10/AEE 2/2002 DT.10.1.03 SENT BY THE CHIEF ENVIRONMENTAL ENGINEER TO THE PETITIONER.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C) No.31961 of 2003

Dated 13th December, 2006.

J U D G M E N T

Petitioner approached this Court aggrieved by Ext.P5 order passed by the Human Rights Commission and Ext.P6 notice issued by the Municipality. On 16.12.2004, this Court passed the following order :-

> "Heard. The petitioner can continue to run his workshop only after getting consent from the 2nd respondent. The petitioner's application for the same shall be considered and disposed of by the 2nd respondent within one month. Since, already there is an interim order, the same shall remain in force for a period of one month from today. Thereafter, the petitioner can operate the Unit only based on the decision of the Pollution Control Board. While passing the order as directed above, the petitioner and the 4th respondent shall be given an opportunity of being heard."

Accordingly, the writ petition is disposed of making it clear that in case the parties have still any grievance left, it will be open to them to pursue the same before respondents 2 and 3.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 13th December, 2006.